

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA

v.

**JESSIE CON-UI,
Defendant**

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CRIMINAL NO. 3:CR-13-123

**SPECIAL VERDICT FORM
PENALTY PHASE**

COUNT I: First Degree Murder

Special Verdict Form: COUNT I

SECTION I. AGE OF DEFENDANT

Instructions: In Section I, answer the following question by marking the line next to the appropriate answer, "YES" or "NO," to indicate the jury's finding.

Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the defendant, JESSIE CON-UI, was eighteen (18) years of age or older at the time of the offense specified in Count I (February 25, 2013)?

YES ✓ NO _____

Instructions: If you answered "NO" in Section I, then stop your deliberations on this Count and proceed to Section VII. Each juror should then carefully read the statement in Section VII, and sign in the appropriate place if the statement accurately reflects the manner in which he or she reached his or her decision.

If you answered "YES" with respect to the determination in Section I, proceed to Section II, which follows.

Special Verdict Form: COUNT I

SECTION II. GATEWAY FACTORS

Instructions: In Section II, please indicate which, if any, of the following Gateway Factors you unanimously find that the government has proven beyond a reasonable doubt. Answer the following questions by marking the line next to the appropriate answer, "YES" or "NO," to indicate the jury's finding.

- A. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the defendant, JESSIE CON-UI, intentionally killed Eric Williams?

YES ✓ NO _____

- B. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the defendant, JESSIE CON-UI, intentionally inflicted serious bodily injury which resulted in the death of Eric Williams?

YES ✓ NO _____

- C. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the defendant, JESSIE CON-UI, intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a

Special Verdict Form: COUNT I

person, other than one of the participants in the offense, and Eric Williams died as a direct result of the act?

YES ✓ NO

D. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the defendant, JESSIE CON-UI, intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and Eric Williams died as a direct result of the act?

YES ✓ NO

Instructions: If you answered "NO" with respect to all of the Gateway Factors in Section II, then stop your deliberations on this Count and proceed to Section VII. Each juror should carefully read the statement in Section VII, and sign in the appropriate place if the statement accurately reflects the manner in which he or she reached his or her decision.

If you answered "YES" with respect to one or more of the Gateway Factors in Section II, proceed to Section III, which follows.

Special Verdict Form: COUNT I

SECTION III. STATUTORY AGGRAVATING FACTORS

Instructions: In Section III, please indicate which, if any, of the following Statutory Aggravating Factors you unanimously find that the government has proven beyond a reasonable doubt. Answer the following questions by marking the line next to the appropriate answer, "YES" or "NO," to indicate the jury's finding.

1. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the defendant, JESSIE CON-UI, has previously been convicted of a State offense resulting in the death of a person, for which a sentence of life imprisonment or a sentence of death was authorized by statute?

YES ✓ NO _____

2. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the defendant, JESSIE CON-UI, has previously been convicted of a State offense punishable by a term of imprisonment of more than one (1) year, involving the use or attempted or threatened use of a firearm against another person?

YES ✓ NO _____

Special Verdict Form: COUNT I

3. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the defendant, JESSIE CON-UI, committed the offense specified in Count I in an especially heinous, cruel, or depraved manner in that it involved torture or serious physical abuse to the victim, Eric Williams?

YES ☒ NO ☐

4. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the defendant, JESSIE CON-UI, has previously been convicted of violating Title II or III of the Comprehensive Drug Abuse Prevention and Control Act of 1970 for which a sentence of five (5) or more years may be imposed?

YES ☒ NO ☐

5. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the defendant, JESSIE CON-UI, committed the offense specified in Count I against a federal public servant who was an employee of a United States penal or correctional institution while he was engaged in the performance of his official duties?

YES ☒ NO ☐

Special Verdict Form: COUNT I

6. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the defendant, JESSIE CON-UI, committed the offense specified in Count I after substantial planning and premeditation to cause the death of Eric Williams?

YES ✓ NO

Instructions: If you answered "NO" with respect to all six of the Statutory Aggravating Factors in Section III, then stop your deliberations on this Count and proceed to Section VII. Each juror should then carefully read the statement in Section VII, and sign in the appropriate place if the statement accurately reflects the manner in which he or she reached his or her decision.

If you answered "YES" with respect to one or more of the Statutory Aggravating Factors in Section III, proceed to Section IV, which follows.

Special Verdict Form: COUNT I

SECTION IV. NON-STATUTORY AGGRAVATING FACTORS

Instructions: In Section IV, please indicate which, if any, of the following Non-Statutory Aggravating Factors you unanimously find that the government has proven beyond a reasonable doubt. Answer the following questions by marking the line next to the appropriate answer, "YES" or "NO," to indicate the jury's finding.

1. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the defendant, JESSIE CON-UI, has committed and participated in more than one of the uncharged serious acts of violence and attempted violence listed below (paragraphs A-D)?

YES ✓ NO

If your answer to the above question is "YES," please indicate below which of the following uncharged acts you, the jury, unanimously find that the government has established beyond a reasonable doubt. If your answer to the above question is "NO," proceed to consideration of the second Non-Statutory Aggravating Factor, which follows.

- A. In September-October 1999, the defendant, JESSIE CON-UI, threatened to harm other inmates at ASPC Florence?

YES ✓ NO ✓

Special Verdict Form: COUNT I

- B. On June 2, 2000, the defendant, JESSIE CON-UI, assaulted another inmate with a metal food tray at ASPC Winslow?
YES ☒ NO ☐
- C. On October 23, 2009, while an inmate at U.S.P. Victorville, the defendant, JESSIE CON-UI, threatened to physically harm a Federal Corrections Officer?
YES ☒ NO ☐
- D. On November 21, 2010, the defendant, JESSIE CON-UI, while an inmate at U.S.P. Pollock, assaulted and stabbed another inmate with a homemade weapon?
YES ☒ NO ☐
2. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the defendant, JESSIE CON-UI, has caused injury, harm, and loss to the victim, Eric Williams, and the victim's family and friends, as demonstrated by the victim's personal characteristics as an individual human being and the impact of the death upon the victim and the victim's family and friends?
YES ☒ NO ☐

Special Verdict Form: COUNT I

Instructions: After you have completed your findings in Section IV (regardless of whether you answered "YES" or "NO" with respect to the Non-Statutory Aggravating Factors in Section IV), proceed to Section V, which follows.

Special Verdict Form: COUNT I

SECTION V. MITIGATING FACTORS

Instructions: In Section V, please indicate in the space provided under each Mitigating Factor the number of jurors who have found the existence of that Mitigating Factor to be proven by a preponderance of the evidence. If no jurors vote that such a Factor has been proven, indicate so by placing a "0" in the space provided.

A. The following six Mitigating Factors (Factors 1, 2, 3, 4, 5, and 6) have been established. The Foreperson must enter the number "12" in the space provided as to each of them. Each juror is required to weigh these six Factors in the balance of Aggravating and Mitigating Factors:

1. The alternative to a sentence of death is lifetime incarceration with no possibility of release.

Number of jurors who so find: 12

2. Upon completion of his federal sentence for a drug conviction, Jessie Con-Ui would have been turned over to the State of Arizona to complete a life sentence, for which he was eligible for release on parole after twenty-five (25) years.

Number of jurors who so find: 12

3. At the time of the murder of Officer Williams, Jessie Con-Ui was eligible for release on parole by the State of Arizona in 2031.

Number of jurors who so find: 12

Special Verdict Form: COUNT I

4. Because of his federal conviction for the murder of Officer Williams, Jessie Con-Ui will never be eligible for release.
Number of jurors who so find: 12
5. Parole was abolished in the federal system thirty (30) years ago.
Number of jurors who so find: 12
6. Jessie Con-Ui offered to plead guilty to the murder of Officer Williams, waive all appeals, and submit to a sentence of lifetime imprisonment without release under conditions of confinement to be determined by the Federal Bureau of Prisons.
Number of jurors who so find: 12

Instructions: As to the other alleged Mitigating Factors that are listed below, please indicate which, if any, you find that the defendant has proven by a preponderance of the evidence.

B. Mitigating Factors (continued)

7. The federal conviction for the murder of Officer Williams means that Jessie Con-Ui will be subject to increased punishment, including more severe restrictions on his liberty and the loss of many privileges extended to maximum security prisoners in general population.
Number of jurors who so find: 10

Special Verdict Form: COUNT I

8. More than two decades of incarceration contributed to Jessie Con-Ui's state of mind on the night he killed Officer Williams.
Number of jurors who so find: 10
9. At age 17, Jessie Con-Ui had a number of problems that were not addressed by the Arizona Juvenile Justice System.
Number of jurors who so find: 0
10. At the time Jessie Con-Ui was in the Arizona Juvenile Justice System, it was under the supervision of the federal courts because of its inadequate and improper treatment of the juveniles under its supervision.
Number of jurors who so find: 12
11. Jessie Con-Ui was not offered any services at the time he left the Arizona Juvenile Justice System.
Number of jurors who so find: 12
12. The Arizona Juvenile Justice System did nothing to assist Jessie Con-Ui with his problems.
Number of jurors who so find: 2
13. At age 19, Jessie Con-Ui entered the Arizona prison system.
Number of jurors who so find: 12
14. The Arizona corrections system was so dangerous and out of control at the time Jessie Con-Ui entered it that a federal court found it could not ensure the safety of its prisoners.
Number of jurors who so find: 12
15. During the years Jessie Con-Ui was there, the Arizona

Special Verdict Form: COUNT I

prison system was poorly administered.

Number of jurors who so find: 12

16. During the years Jessie Con-Ui was there, the Arizona prison system did not provide rehabilitative services.

Number of jurors who so find: 3

17. Jessie Con-Ui's experiences in the Arizona prison system changed him for the worse.

Number of jurors who so find: 12

18. Jessie Con-Ui was exposed to "risk factors" or "adverse childhood experiences" that had a negative effect on the course of his life.

Number of jurors who so find: 12

19. As young children, Jessie Con-Ui, Jim Con-Ui and Maria Con-Ui witnessed their father beat their mother.

Number of jurors who so find: 12

20. Jessie Con-Ui's father, Jaime Boado, abandoned the family when Jessie Con-Ui was 3 years old.

Number of jurors who so find: 12

21. After his father left the family, Jessie Con-Ui had no relationship with him.

Number of jurors who so find: 12

22. Jessie Con-Ui had a special relationship with his baby brother Ritchie Con-Ui.

Number of jurors who so find: 12

23. Ritchie Con-Ui died at age 3 when Jessie Con-Ui was 4-1/2

Special Verdict Form: COUNT I

years old, a family tragedy that deeply saddened him.

Number of jurors who so find: 12

24. For the first five years of his life, Jessie Con-Ui lived in poverty in Tondo, a notorious slum in Manila.

Number of jurors who so find: 12

25. Jessie Con-Ui was especially close to his grandmother, Paulina, who suffered from lifelong mental illness.

Number of jurors who so find: 12

26. Jessie Con-Ui and his immediate family moved to Rome, New York in 1987 when he was 9 years old.

Number of jurors who so find: 12

27. The move to New York cut off Jessie Con-Ui's ties with his extended and loving Filipino family.

Number of jurors who so find: 12

28. Because of his Filipino ethnicity, Jessie Con-Ui was subjected to racial slurs in upstate New York.

Number of jurors who so find: 12

29. Despite the difficulties of moving from the Philippines to upstate New York, Jessie Con-Ui initially did well in school and sports.

Number of jurors who so find: 12

30. In 8th grade, Jessie Con-Ui was named MVP (most valuable player) on his school's lacrosse team.

Number of jurors who so find: 12

31. Because of family problems, Jessie Con-Ui's family lost

Special Verdict Form: COUNT I

their home in Rome, New York and relocated to Syracuse.

Number of jurors who so find: 12

32. The move to Syracuse was a difficult transition for Jessie Con-Ui.

Number of jurors who so find: 12

33. Although the family briefly began counseling at this period, there was no follow-up.

Number of jurors who so find: 12

34. Gary Sliney punished his children by locking them out of their house.

Number of jurors who so find: 12

35. At approximately age 15, Jessie Con-Ui's life began a downward turn.

Number of jurors who so find: 12

36. At approximately age 15, Jessie Con-Ui began to use drugs.

Number of jurors who so find: 12

37. The family's sudden move to Arizona when Jessie Con-Ui was 16 had a negative impact on him.

Number of jurors who so find: 12

38. Because of ongoing difficulties with his step-father, Gary Sliney, Jessie Con-Ui began spending more and more time away from home.

Number of jurors who so find: 12

Special Verdict Form: COUNT I

39. Jessie Con-Ui has maintained a loving relationship with his family.

Number of jurors who so find: 9

40. Jessie Con-Ui is important to his sons, Jessie Con-Ui, Jr. (age 14) and Jadin Con-Ui (age 13).

Number of jurors who so find: 9

41. Jessie Con-Ui, Jr. and Jadin Con-Ui value the relationship they have with their father.

Number of jurors who so find: 4

42. Jessie Con-Ui and his sons love one another.

Number of jurors who so find: 12

43. Jessie Con-Ui and his mother Teresita ("Tess") Sliney love one another.

Number of jurors who so find: 12

44. Jessie Con-Ui and his sister Maria Mask love one another.

Number of jurors who so find: 12

45. Jessie Con-Ui and his brother Jim Con-Ui love one another.

Number of jurors who so find: 12

46. Jessie Con-Ui's extended family and friends in the Philippines love Jessie Con-Ui.

Number of jurors who so find: 8

47. If Jessie Con-Ui is executed, his mother, Tess Sliney, will suffer grief and loss.

Number of jurors who so find: 12

48. If Jessie Con-Ui is executed, his sister, Maria Mask, will

Special Verdict Form: COUNT I

suffer grief and loss.

Number of jurors who so find: 12

49. If Jessie Con-Ui is executed, his brother, Jim Con-Ui, and his family, will suffer grief and loss.

Number of jurors who so find: 12

50. If Jessie Con-Ui is executed, his brother-in-law, Mark Mask, will suffer grief and loss.

Number of jurors who so find: 8

51. If Jessie Con-Ui is executed, his nieces, Hailey and Hannah, will suffer grief and loss.

Number of jurors who so find: 4

52. If Jessie Con-Ui is executed, his step-sister, Sarah Sliney, will suffer grief and loss.

Number of jurors who so find: 7

53. If Jessie Con-Ui is executed, one or more of his childhood friends and others from Rome, N.Y-including Jane Padron, Brian Evans, Eric Ducharo, Joseph Martin, and Christine Rudd-will suffer grief and loss.

Number of jurors who so find: 8

54. If Jessie Con-Ui is executed, Virginia Moore, his friend from Tempe, Arizona, will suffer grief and loss.

Number of jurors who so find: 9

55. Jessie Con-Ui's execution would have a devastating lifetime impact on his sons.

Number of jurors who so find: 3

Special Verdict Form: COUNT I

56. Jessie Con-Ui is remorseful for having taken Officer Williams' life.

Number of jurors who so find: 0

57. Jessie Con-Ui is remorseful for the impact his actions have had on Officer Williams' family and loved ones.

Number of jurors who so find: 0

58. Jessie Con-Ui is ashamed of his actions.

Number of jurors who so find: 4

59. Jessie Con-Ui behaved respectfully in court.

Number of jurors who so find: 12

60. Executing Jessie Con-Ui will not undo the harm he has caused the Williams family.

Number of jurors who so find: 12

61. Other factors weigh in favor of a life sentence.

Number of jurors who so find: 12

Instructions: You may consider during your deliberations any other factor or factors in the defendant's background, record, character, or any other circumstances of the offense that mitigate against imposition of a death sentence.

The following extra spaces are provided to write in additional Mitigating Factors, if any, found by one (1) or more jurors. Indicate the number of jurors who find the existence of that Mitigating Factor has been proven by a preponderance of the evidence. If none, write "NONE" and line out the extra spaces with a large "X." If more space is needed,

Special Verdict Form: COUNT I

write "CONTINUED" and use the reverse side of this page.

1. Jessie Con-U's mother Tess Stiney did not
intervene or do enough to help Jessie Con-U.
Number of jurors who so find: 12

2. _____

Number of jurors who so find: _____

3. _____

Number of jurors who so find: _____

4. _____

Number of jurors who so find: _____

Instructions: After you have completed your findings in Section V (regardless of whether you have found any Mitigating Factors in Section V), proceed to Section VI, which follows.

Special Verdict Form: COUNT I

SECTION VI. DETERMINATION OF SENTENCE FOR COUNT I

Instructions: In Section VI, enter your determination of the defendant's sentence with regard to Count I.

Based upon consideration of whether the Aggravating Factor or Factors found to exist sufficiently outweigh any Mitigating Factor or Factors found to exist to justify a sentence of death:

- A. We, the jury, determine, by unanimous vote, that a sentence of death shall be imposed on the defendant, JESSIE CON-UI, for Count I: First Degree Murder.

YES _____ NO ☒

- B. We, the jury, determine, by unanimous vote, that a sentence of life imprisonment without the possibility of release shall be imposed on the defendant, JESSIE CON-UI, for Count I: First Degree Murder.

YES _____ NO ☒

- C. We, the jury, are unable to reach a unanimous verdict. We understand that the consequence of this is that the defendant, JESSIE CON-UI, will be sentenced to life imprisonment without the possibility of release for Count I: First Degree Murder.

YES ☒ NO _____

Special Verdict Form: COUNT I

Instructions: After entering your determination of the defendant's sentence with regard to Count I, each juror must sign his or her name below in the spaces provided, indicating that the above sentence determination reflects the jury's decision, whether unanimous or not:

The Foreperson shall indicate the date of signing:

Date: July 10, 2017

Instructions: Upon completion of Section VI (regardless of the sentence determination made), proceed to Section VII, which follows.

Special Verdict Form: COUNT I

SECTION VII. CERTIFICATION

By signing your name below, each juror certifies that consideration of the race, color, religious beliefs, national origin, or sex of the defendant or the victim was not involved in reaching his or her individual decision, and that the individual juror would have made the same recommendation regarding a sentence for the crime or crimes in question regardless of the race, color, religious beliefs, national origin, or sex of the defendant, or the victim.

The Foreperson shall indicate the date of signing:

Date: July 10, 2017

Instructions: After each juror has signed in the spaces provided above, you should proceed to Count II.

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA

v.

JESSIE CON-UI,

Defendant

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CRIMINAL NO. 3:CR-13-123

SPECIAL VERDICT FORM
PENALTY PHASE

**COUNT II: First Degree Murder of a United States Corrections
Officer**

Special Verdict Form: COUNT II

SECTION I. AGE OF DEFENDANT

Instructions: In Section I, answer the following question by marking the line next to the appropriate answer, "YES" or "NO," to indicate the jury's finding.

Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the defendant, JESSIE CON-UI, was eighteen (18) years of age or older at the time of the offense specified in Count II (February 25, 2013)?

YES ✓ NO _____

Instructions: If you answered "NO" in Section I, then stop your deliberations on this Count and proceed to Section VII. Each juror should then carefully read the statement in Section VII, and sign in the appropriate place if the statement accurately reflects the manner in which he or she reached his or her decision.

If you answered "YES" with respect to the determination in Section I, proceed to Section II, which follows.

Special Verdict Form: COUNT II

SECTION II. GATEWAY FACTORS

Instructions: In Section II, please indicate which, if any, of the following Gateway Factors you unanimously find that the government has proven beyond a reasonable doubt. Answer the following questions by marking the line next to the appropriate answer, "YES" or "NO," to indicate the jury's finding.

- A. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the defendant, JESSIE CON-UI, intentionally killed United States Corrections Officer Eric Williams while he was engaged in the performance of his official duties?

YES ✓ NO _____

- B. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the defendant, JESSIE CON-UI, intentionally inflicted serious bodily injury which resulted in the death of Eric Williams, a United States Corrections Officer while he was engaged in the performance of his official duties?

YES ✓ NO _____

Special Verdict Form: COUNT II

- C. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the defendant, JESSIE CON-UI, intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and Eric Williams, a United States Corrections Officer engaged in the performance of his official duties, died as a direct result of the act?

YES ✓ NO

- D. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the defendant, JESSIE CON-UI, intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life, and Eric Williams, a United States Corrections Officer engaged in the performance of his official duties, died as a direct result of the act?

YES ✓ NO

Special Verdict Form: COUNT II

Instructions: If you answered "NO" with respect to all of the Gateway Factors in Section II, then stop your deliberations on this Count and proceed to Section VII. Each juror should carefully read the statement in Section VII, and sign in the appropriate place if the statement accurately reflects the manner in which he or she reached his or her decision.

If you answered "YES" with respect to one or more of the Gateway Factors in Section II, proceed to Section III, which follows.

Special Verdict Form: COUNT II

SECTION III. STATUTORY AGGRAVATING FACTORS

Instructions: In Section III, please indicate which, if any, of the following Statutory Aggravating Factors you unanimously find that the government has proven beyond a reasonable doubt. Answer the following questions by marking the line next to the appropriate answer, "YES" or "NO," to indicate the jury's finding.

1. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the defendant, JESSIE CON-UI, has previously been convicted of a State offense resulting in the death of a person, for which a sentence of life imprisonment or a sentence of death was authorized by statute?

YES ✓ NO _____

2. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the defendant, JESSIE CON-UI, has previously been convicted of a State offense punishable by a term of imprisonment of more than one (1) year, involving the use or attempted or threatened use of a firearm against another person?

YES ✓ NO _____

Special Verdict Form: COUNT II

3. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the defendant, JESSIE CON-UI, committed the offense specified in Count II in an especially heinous, cruel, or depraved manner in that it involved torture or serious physical abuse to the victim, Eric Williams?

YES ✓ NO

4. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the defendant, JESSIE CON-UI, has previously been convicted of violating Title II or III of the Comprehensive Drug Abuse Prevention and Control Act of 1970 for which a sentence of five (5) or more years may be imposed?

YES ✓ NO

5. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the defendant, JESSIE CON-UI, committed the offense specified in Count II against a federal public servant who was an employee of a United States penal or correctional institution while he was engaged in the performance of his official duties?

YES ✓ NO

Special Verdict Form: COUNT II

6. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the defendant, JESSIE CON-UI, committed the offense specified in Count II after substantial planning and premeditation to cause the death of Eric Williams?

YES ✓ NO

Instructions: If you answered "NO" with respect to all six of the Statutory Aggravating Factors in Section III, then stop your deliberations and proceed to Section VII of this form. Each juror should then carefully read the statement in Section VII, and sign in the appropriate place if the statement accurately reflects the manner in which he or she reached his or her decision.

If you answered "YES" with respect to one or more of the Statutory Aggravating Factors in Section III, proceed to Section IV, which follows.

Special Verdict Form: COUNT II

SECTION IV. NON-STATUTORY AGGRAVATING FACTORS

Instructions: In Section IV, please indicate which, if any, of the following Non-Statutory Aggravating Factors you unanimously find that the government has proven beyond a reasonable doubt. Answer the following questions by marking the line next to the appropriate answer, "YES" or "NO," to indicate the jury's finding.

1. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the defendant, JESSIE CON-UI, has committed and participated in more than one of the uncharged serious acts of violence and attempted violence listed below (paragraphs A-D)?

YES ✓ NO

If your answer to the above question is "YES," please indicate below which of the following uncharged acts you, the jury, unanimously find that the government has established beyond a reasonable doubt. If your answer to the above question is "NO," proceed to consideration of the second Non-Statutory Aggravating Factor, which follows.

- A. In September-October 1999, the defendant, JESSIE CON-UI, threatened to harm other inmates at ASPC Florence?
YES NO ✓

Special Verdict Form: COUNT II

- B. On June 2, 2000, the defendant, JESSIE CON-UI, assaulted another inmate with a metal food tray at ASPC Winslow?
YES ☒ NO ☐
- C. On October 23, 2009, while an inmate at U.S.P. Victorville, the defendant, JESSIE CON-UI, threatened to physically harm a Federal Corrections Officer?
YES ☒ NO ☐
- D. On November 21, 2010, the defendant, JESSIE CON-UI, while an inmate at U.S.P. Pollock, assaulted and stabbed another inmate with a homemade weapon?
YES ☒ NO ☐
2. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the defendant, JESSIE CON-UI, has caused injury, harm, and loss to the victim, Eric Williams, and the victim's family and friends, as demonstrated by the victim's personal characteristics as an individual human being and the impact of the death upon the victim and the victim's family and friends?
YES ☒ NO ☐

Special Verdict Form: COUNT II

Instructions: After you have completed your findings in Section IV (regardless of whether you answered "YES" or "NO" with respect to either of the Non-Statutory Aggravating Factors in Section IV), proceed to Section V, which follows.

Special Verdict Form: COUNT II

SECTION V. MITIGATING FACTORS

Instructions: In Section V, please indicate in the space provided under each Mitigating Factor the number of jurors who have found the existence of that Mitigating Factor to be proven by a preponderance of the evidence. If no jurors vote that such a Factor has been proven, indicate so by placing a "0" in the space provided.

A. The following six Mitigating Factors (Factors 1, 2, 3, 4, 5, and 6) have been established. The Foreperson must enter the number "12" in the space provided as to each of them. Each juror is required to weigh these six Factors in the balance of Aggravating and Mitigating Factors:

1. The alternative to a sentence of death is lifetime incarceration with no possibility of release.

Number of jurors who so find: 12

2. Upon completion of his federal sentence for a drug conviction, Jessie Con-Ui would have been turned over to the State of Arizona to complete a life sentence, for which he was eligible for release on parole after twenty-five (25) years.

Number of jurors who so find: 12

3. At the time of the murder of Officer Williams, Jessie Con-Ui was eligible for release on parole by the State of Arizona in 2031.

Number of jurors who so find: 12

Special Verdict Form: COUNT II

4. Because of his federal conviction for the murder of Officer Williams, Jessie Con-Ui will never be eligible for release.
Number of jurors who so find: 12
5. Parole was abolished in the federal system thirty (30) years ago.
Number of jurors who so find: 12
6. Jessie Con-Ui offered to plead guilty to the murder of Officer Williams, waive all appeals, and submit to a sentence of lifetime imprisonment without release under conditions of confinement to be determined by the Federal Bureau of Prisons.
Number of jurors who so find: 12

Instructions: As to the other alleged Mitigating Factors that are listed below, please indicate which, if any, you find that the defendant has proven by a preponderance of the evidence.

B. Mitigating Factors (continued)

7. The federal conviction for the murder of Officer Williams means that Jessie Con-Ui will be subject to increased punishment, including more severe restrictions on his liberty and the loss of many privileges extended to maximum security prisoners in general population.
Number of jurors who so find: 10

Special Verdict Form: COUNT II

8. More than two decades of incarceration contributed to Jessie Con-Ui's state of mind on the night he killed Officer Williams.

Number of jurors who so find: 10

9. At age 17, Jessie Con-Ui had a number of problems that were not addressed by the Arizona Juvenile Justice System.

Number of jurors who so find: 0

10. At the time Jessie Con-Ui was in the Arizona Juvenile Justice System, it was under the supervision of the federal courts because of its inadequate and improper treatment of the juveniles under its supervision.

Number of jurors who so find: 12

11. Jessie Con-Ui was not offered any services at the time he left the Arizona Juvenile Justice System.

Number of jurors who so find: 12

12. The Arizona Juvenile Justice System did nothing to assist Jessie Con-Ui with his problems.

Number of jurors who so find: 2

13. At age 19, Jessie Con-Ui entered the Arizona prison system.

Number of jurors who so find: 12

14. The Arizona corrections system was so dangerous and out of control at the time Jessie Con-Ui entered it that a federal court found it could not ensure the safety of its prisoners.

Number of jurors who so find: 12

15. During the years Jessie Con-Ui was there, the Arizona

Special Verdict Form: COUNT II

prison system was poorly administered.

Number of jurors who so find: 12

16. During the years Jessie Con-Ui was there, the Arizona prison system did not provide rehabilitative services.

Number of jurors who so find: 3

17. Jessie Con-Ui's experiences in the Arizona prison system changed him for the worse.

Number of jurors who so find: 12

18. Jessie Con-Ui was exposed to "risk factors" or "adverse childhood experiences" that had a negative effect on the course of his life.

Number of jurors who so find: 12

19. As young children, Jessie Con-Ui, Jim Con-Ui and Maria Con-Ui witnessed their father beat their mother.

Number of jurors who so find: 12

20. Jessie Con-Ui's father, Jaime Boado, abandoned the family when Jessie Con-Ui was 3 years old.

Number of jurors who so find: 12

21. After his father left the family, Jessie Con-Ui had no relationship with him.

Number of jurors who so find: 12

22. Jessie Con-Ui had a special relationship with his baby brother Ritchie Con-Ui.

Number of jurors who so find: 12

23. Ritchie Con-Ui died at age 3 when Jessie Con-Ui was 4-1/2

Special Verdict Form: COUNT II

years old, a family tragedy that deeply saddened him.

Number of jurors who so find: 12

24. For the first five years of his life, Jessie Con-Ui lived in poverty in Tondo, a notorious slum in Manila.

Number of jurors who so find: 12

25. Jessie Con-Ui was especially close to his grandmother, Paulina, who suffered from lifelong mental illness.

Number of jurors who so find: 12

26. Jessie Con-Ui and his immediate family moved to Rome, New York in 1987 when he was 9 years old.

Number of jurors who so find: 12

27. The move to New York cut off Jessie Con-Ui's ties with his extended and loving Filipino family.

Number of jurors who so find: 12

28. Because of his Filipino ethnicity, Jessie Con-Ui was subjected to racial slurs in upstate New York.

Number of jurors who so find: 12

29. Despite the difficulties of moving from the Philippines to upstate New York, Jessie Con-Ui initially did well in school and sports.

Number of jurors who so find: 12

30. In 8th grade, Jessie Con-Ui was named MVP (most valuable player) on his school's lacrosse team.

Number of jurors who so find: 12

31. Because of family problems, Jessie Con-Ui's family lost

Special Verdict Form: COUNT II

their home in Rome, New York and relocated to Syracuse.

Number of jurors who so find: 12

32. The move to Syracuse was a difficult transition for Jessie Con-Ui.

Number of jurors who so find: 12

33. Although the family briefly began counseling at this period, there was no follow-up.

Number of jurors who so find: 12

34. Gary Sliney punished his children by locking them out of their house.

Number of jurors who so find: 12

35. At approximately age 15, Jessie Con-Ui's life began a downward turn.

Number of jurors who so find: 12

36. At approximately age 15, Jessie Con-Ui began to use drugs.

Number of jurors who so find: 12

37. The family's sudden move to Arizona when Jessie Con-Ui was 16 had a negative impact on him.

Number of jurors who so find: 12

38. Because of ongoing difficulties with his step-father, Gary Sliney, Jessie Con-Ui began spending more and more time away from home.

Number of jurors who so find: 12

Special Verdict Form: COUNT II

39. Jessie Con-Ui has maintained a loving relationship with his family.

Number of jurors who so find: 9

40. Jessie Con-Ui is important to his sons, Jessie Con-Ui, Jr. (age 14) and Jadin Con-Ui (age 13).

Number of jurors who so find: 9

41. Jessie Con-Ui, Jr. and Jadin Con-Ui value the relationship they have with their father.

Number of jurors who so find: 4

42. Jessie Con-Ui and his sons love one another.

Number of jurors who so find: 12

43. Jessie Con-Ui and his mother Teresita ("Tess") Sliney love one another.

Number of jurors who so find: 12

44. Jessie Con-Ui and his sister Maria Mask love one another.

Number of jurors who so find: 12

45. Jessie Con-Ui and his brother Jim Con-Ui love one another.

Number of jurors who so find: 12

46. Jessie Con-Ui's extended family and friends in the Philippines love Jessie Con-Ui.

Number of jurors who so find: 8

47. If Jessie Con-Ui is executed, his mother, Tess Sliney, will suffer grief and loss.

Number of jurors who so find: 12

48. If Jessie Con-Ui is executed, his sister, Maria Mask, will

Special Verdict Form: COUNT II

suffer grief and loss.

Number of jurors who so find: 12

49. If Jessie Con-Ui is executed, his brother, Jim Con-Ui, and his family, will suffer grief and loss.

Number of jurors who so find: 12

50. If Jessie Con-Ui is executed, his brother-in-law, Mark Mask, will suffer grief and loss.

Number of jurors who so find: 8

51. If Jessie Con-Ui is executed, his nieces, Hailey and Hannah, will suffer grief and loss.

Number of jurors who so find: 4

52. If Jessie Con-Ui is executed, his step-sister, Sarah Sliney, will suffer grief and loss.

Number of jurors who so find: 7

53. If Jessie Con-Ui is executed, one or more of his childhood friends and others from Rome, N.Y-including Jane Padron, Brian Evans, Eric Ducharo, Joseph Martin, and Christine Rudd-will suffer grief and loss.

Number of jurors who so find: 8

54. If Jessie Con-Ui is executed, Virginia Moore, his friend from Tempe, Arizona, will suffer grief and loss.

Number of jurors who so find: 9

55. Jessie Con-Ui's execution would have a devastating lifetime impact on his sons.

Number of jurors who so find: 3

Special Verdict Form: COUNT II

56. Jessie Con-Ui is remorseful for having taken Officer Williams' life.

Number of jurors who so find: 0

57. Jessie Con-Ui is remorseful for the impact his actions have had on Officer Williams' family and loved ones.

Number of jurors who so find: 0

58. Jessie Con-Ui is ashamed of his actions.

Number of jurors who so find: 4

59. Jessie Con-Ui behaved respectfully in court.

Number of jurors who so find: 12

60. Executing Jessie Con-Ui will not undo the harm he has caused the Williams family.

Number of jurors who so find: 12

61. Other factors weigh in favor of a life sentence.

Number of jurors who so find: 12

Instructions: You may consider during your deliberations any other factor or factors in the defendant's background, record, character, or any other circumstances of the offense that mitigate against imposition of a death sentence.

The following extra spaces are provided to write in additional Mitigating Factors, if any, found by one (1) or more jurors. Indicate the number of jurors who find the existence of that Mitigating Factor has been proved by a preponderance of the evidence. If none, write "NONE" and line out the extra spaces with a large "X." If more space is needed,

Special Verdict Form: COUNT II

write "CONTINUED" and use the reverse side of this page.

1. Jessie Con-Ui's mother Tess Sliney did not
intervene or do enough to help Jessie Con-U.
Number of jurors who so find: 12

2. _____

Number of jurors who so find: _____

3. _____

Number of jurors who so find: _____

4. _____

Number of jurors who so find: _____

Instructions: After you have completed your findings in Section V (regardless of whether you have found any Mitigating Factors in Section V), proceed to Section VI, which follows.

Special Verdict Form: COUNT II

SECTION VI. DETERMINATION OF SENTENCE FOR COUNT II

Instructions: In Section VI, enter your determination of the defendant's sentence with regard to Count II.

Based upon consideration of whether the Aggravating Factor or Factors found to exist sufficiently outweigh any Mitigating Factor or Factors found to exist to justify a sentence of death:

- A. We, the jury, determine, by unanimous vote, that a sentence of death shall be imposed on the defendant, JESSIE CON-UI, for Count II: First Degree Murder of a United States Corrections Officer.

YES _____ NO ✓

- B. We, the jury, determine, by unanimous vote, that a sentence of life imprisonment without the possibility of release shall be imposed on the defendant, JESSIE CON-UI, for Count II: First Degree Murder of a United States Corrections Officer.

YES _____ NO ✓

- C. We, the jury, are unable to reach a unanimous verdict. We understand that the consequence of this is that the defendant, JESSIE CON-UI, will be sentenced to life imprisonment without the possibility of release for Count II: First Degree Murder of a United States Corrections Officer.

YES ✓ NO _____

Special Verdict Form: COUNT II

Instructions: After entering your determination of the defendant's sentence with regard to Count II, each juror must sign his or her name below in the spaces provided, indicating that the above sentence determination reflects the jury's decision, whether unanimous or not:

FOREPERSON

The Foreperson shall indicate the date of signing:

Date: July 10, 2017

Instructions: Upon completion of Section VI (regardless of the sentence determination made), proceed to Section VII, which follows.

Special Verdict Form: COUNT II

SECTION VII. CERTIFICATION

By signing your name below, each juror certifies that consideration of the race, color, religious beliefs, national origin, or sex of the defendant or the victim was not involved in reaching his or her individual decision, and that the individual juror would have made the same recommendation regarding a sentence for the crime or crimes in question regardless of the race, color, religious beliefs, national origin, or sex of the defendant, or the victim.

FOREPERSON

The Foreperson shall indicate the date of signing:

Date: July 10, 2017

Instructions: After each juror has signed in the spaces provided above, the Foreperson should notify the Court that you have completed your deliberations.